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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, May 21, 2019
86th Legislature, Number 70
The House convenes at 10 a.m.
Part Six

The bills and joint resolutions analyzed or digested in Part Six of today's *Daily Floor Report* are listed on the following page. Additional analyses for bills on today's General State Calendar are available online through TLIS, TLO, CapCentral, and the HRO website.

Today is the last day for the House to consider Senate bills and joint resolutions on second reading, other than local and consent, on a daily or supplemental calendar.



Dwayne Bohac
Chairman
86(R) - 70

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

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Part 6

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SUBJECT: Creating criminal penalties for damage to certain agricultural facilities

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 6 ayes — Springer, Anderson, Buckley, Burns, Fierro, Meza

1 nay — Zwiener

2 absent — Beckley, Raymond

SENATE VOTE: On final passage, May 7 — 31-0

WITNESSES: No public hearing

DIGEST: SB 1884 would establish criminal offenses for certain conduct causing a loss of at least \$500 to an animal or crop facility.

Offenses. The bill would make it an offense, with respect to an animal or crop facility, for a person to:

- intentionally release, steal, destroy, or cause the loss of an animal or crop without the consent of the owner or operator;
- damage, vandalize, or steal any property;
- break and enter with the intent to destroy or alter records, data, materials, equipment, animals, or crops;
- knowingly obtain control by theft or deception or exert unauthorized control over any materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the owner or operator or the facility of those items; or
- enter or remain on a facility with the intent to commit an act prohibited under this bill.

An "animal or crop facility" would mean a facility used in the agricultural production of animals or crops, including tractors and trailers, implements of husbandry, buildings, structures, greenhouses, laboratories, pasture, fields, paddocks, ponds, impoundments, certain premises where animals or crops were located, managed bee colonies, and livestock markets.

An offense under this bill would be:

- a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the actor caused a loss of at least \$500 but no more than \$2,500; or
- a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if the actor caused a loss of more than \$2,500.

For conduct constituting an offense under this bill that also constituted an offense under other law, the person could be prosecuted under either law, unless the offense was felony theft or criminal mischief, in which case the person could be prosecuted only under other laws.

Restitution. SB 1884 would require a court to order a defendant convicted of an offense under this bill to pay restitution equal to the loss caused by the actor, including the value of any animal or crop damaged. The court, after considering the financial circumstances of the defendant, would have to specify in the restitution order the manner in which the defendant would pay restitution.

The restitution order could be enforced by the state or a victim named in the order in the same manner as a judgment in civil action. A victim could recover court costs and reasonable attorney's fees incurred in enforcing a restitution order.

The court could hold a hearing, make findings of fact, and amend a restitution order if the defendant failed to pay the victim in the manner specified by the court.

Injunctive relief. The owner or operator of an animal or crop facility could bring action for injunctive relief against a person who engaged or threatened to engage in conduct that constituted an offense under this bill. This action could be brought in district court in a county in which any part of the conduct or threatened conduct occurred.

The court could grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order or injunction or permanent injunction.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 1884 would discourage individuals who would threaten Texans' food supply by illegally accessing or damaging agricultural facilities, livestock, and crops by creating certain criminal penalties for conduct that resulted in a loss of at least \$500 to a facility. Modern agriculture requires tightly controlled conditions, the violation of which can contaminate the crops or livestock. Furthermore, animals startled by trespassers or vandals can stampede, leading to their deaths.

The bill would not affect free speech rights, and conduct that constituted other offenses such as criminal trespass could instead be prosecuted under those state laws. Facilities that are the victims of certain illegal conduct should be able to pursue restitution for damages specific to tampering with crops or livestock. The bill would create penalties for those offenses that are proportionate to the potential damage.

**OPPONENTS
SAY:**

SB 1884 would establish excessive penalties for actions regarding an agricultural facility that would amount to criminal trespass, which already is illegal. The restitution for damages would be excessive, as it could constitute double restitution, and should be left to the discretion of the courts.

The provisions of the bill that make it an offense to obtain control of materials by theft or deception could discourage whistleblowers who sought to release information about certain agricultural facilities. The bill could have a chilling effect on free speech, including animal rights protests.

SUBJECT: Including suicide prevention in school curricula, requiring teacher training

COMMITTEE: Public Education — committee substitute recommended

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

SENATE VOTE: On final passage, April 30 — 31-0

WITNESSES: For — Josette Saxton, Texans Care for Children; (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Chris Masey, Coalition of Texans with Disabilities; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Greg Hansch, National Alliance on Mental Illness Texas; Eric Kunish, National Alliance on Mental Illness Austin; Andrea Usanga, Network of Behavioral Health Providers; Jan Friese, Texas Counseling Association; Emma Thomson, Texas Gun Sense; Kyle Ward, Texas PTA; Merily Keller, Texas Suicide Prevention Council; Nataly Saucedo, United Ways of Texas; Qunisha Johnson; Irene Perez; Biju Simon)

Against — Monica Ayres, Citizens Commission on Human Rights Texas

On — (*Registered, but did not testify*: Holly Eaton, Texas Classroom Teachers Association; Christopher Jones and Monica Martinez, Texas Education Agency)

DIGEST: CSSB 1390 would require teachers to be provided training on suicide prevention at least once every five years and would add certain curriculum requirements relating to mental health, substance abuse, and suicide risk. The bill also would require local school health advisory councils to make policy recommendations to districts to prevent suicide and require school districts to develop practices and procedures on suicide prevention, intervention, and postvention.

Training. The bill would require that the staff development training

provided to educators by a school district included suicide prevention training for existing school district and open-enrollment charter school educators at least once every five years.

Curriculum. The bill would require each school district that offered kindergarten through grade 12 to offer as part of a required curriculum an enrichment curriculum that included health, with emphasis on physical health, mental health, and suicide prevention, including recognizing suicide-related risk factors and warning signs. The mental health curriculum would have to include instruction on mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making.

The State Board of Education would have to adopt essential knowledge and skills for this health curriculum that addressed the relationship between drug and alcohol use and suicide, recognizing signs of suicidal tendencies and other warning signs of suicide, and help-seeking behaviors and available community suicide prevention services.

Local school health advisory councils. The bill would include in the duties of local school health advisory councils the recommendation of policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent suicide through the coordination of health and physical education, parent involvement, school health services, counseling and guidance services, a safe and healthy school environment, and school employee wellness.

The local school health advisory council would have to make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services.

TEA program list. The bill would require the Department of State Health Services in coordination with the Texas Education Agency (TEA) to add programs and practices in early mental health prevention, substance abuse intervention, suicide intervention and postvention, and positive school climate into the annually updated list of recommended best practice-based programs and research-based practices for implementation in public

schools.

The bill would define "postvention" to include activities that promoted healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

The suicide prevention programs on the list would have to include components that provided for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interacted with students to assist students in returning to school following treatment of a mental health concern or suicide attempt.

School districts would be required to develop practices and procedures concerning mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention that included procedures to support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse, and for suicide prevention, intervention, and postvention.

Effective date. The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSSB 1390 would help Texas schools to prevent and address suicide and ensure the safety and health of students. The bill would accomplish this by requiring regular training on suicide prevention for all teachers, requiring school districts to develop a plan for suicide prevention, intervention, and postvention, adding mental health, substance abuse prevention, and emotional skills to the required curriculum, and requiring local school health advisory councils to make recommendations to districts to increase parental awareness of suicide warning signs and community resources.

According to data from the Centers for Disease Control and Prevention, one in eight Texas students attempted suicide in 2017, a rate higher than the national average. Schools need to have plans in place to address this acute problem, particularly in the wake of a suicide. By requiring regular training on suicide prevention for teachers and ensuring that school districts integrated suicide prevention, intervention, and postvention into existing mental health efforts, Texas schools would be better equipped to

reduce suicides and attempted suicides.

It would not be appropriate to include psychotropic medication warnings in the required information provided by the State Board of Education because teachers by law cannot make recommendations to students or their families regarding the use of these drugs.

OPPONENTS
SAY:

CSSB 1390 would not include requirements for the state to provide information on the use and side effects of psychotropic medications, including increased risk of suicide and psychosis.

SUBJECT: Providing grants for pro bono legal services for veterans, service members

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 6 ayes — Flynn, Tinderholt, Ashby, Hinojosa, Ramos, Romero

0 nays

3 absent — Lopez, Lozano, Reynolds

SENATE VOTE: On final passage, April 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3359:*

For — Charlie Malouff, Texas Inmate Families Association; Steven Price, The Voices of Our Veterans and the Texas Democratic Veterans;
(*Registered, but did not testify:* Jim Brennan, Texas Coalition of Veterans Organizations; John McKinny, American Legion; Matthew Schaefer, Gathering of Eagles; Bob Gebhard; Idona Griffith; Valerie James)

Against — None

BACKGROUND: Government Code sec. 434.017 establishes the Fund for Veterans' Assistance in the state treasury outside the general revenue fund. Money in the fund may be appropriated only to the Texas Veterans Commission for grants to address veterans' needs and other specified purposes.

Sec. 434.154 allows the Texas Coordinating Council for Veterans Services to establish, by majority vote, coordinating workgroups to focus on specific issues affecting veterans, service members, and their families.

Concerns have been raised that many veterans struggle to afford legal assistance for various legal issues, which further complicates the challenges they face in readjusting to civilian life.

DIGEST: CSSB 2047 would expand the allowable uses of money appropriated to the Texas Veterans Commission from the Fund for Veterans' Assistance to include making grants to provide pro bono legal services to veterans,

active duty members of the U.S. armed forces, and members of state military forces.

The Texas Coordinating Council for Veterans Services could establish a coordinating workgroup to focus on pro bono legal services for veterans, including opportunities and obstacles for providing those services.

The bill would take effect September 1, 2019.

SUBJECT: Increasing computer science instruction, participation in public schools

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, Meyer, Talarico, VanDeaver

0 nays

2 absent — K. King, Sanford

SENATE VOTE: On final passage, April 17 — 31-0

WITNESSES: For — Carol Fletcher, Pflugerville ISD; Tania Curry, Project Lead The Way; (*Registered, but did not testify:* Caroline Joiner, Code.org; Priscilla Camacho, Dallas Regional Chamber; David Edmonson, TechNet; Mike Meroney, Texas Association of Manufacturers; Jennifer Bergland, Texas Computer Education Association; Drew Scheberle, The Greater Austin Chamber of Commerce)

Against — None

On — (*Registered, but did not testify:* Eric Marin and Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 28.002 provides curriculum requirements for public school students in kindergarten through grade 12, including a foundational curriculum of math, science, English, and social studies and an enrichment curriculum that includes, among other subject areas, career and technology education and technology applications.

Concerns have been raised that public school students in Texas are not being adequately prepared for jobs in computer science and other jobs that require coding skills.

DIGEST: SB 2180 would require the State Board of Education (SBOE) to adopt essential knowledge and skills (TEKS) for the technology applications

curriculum for kindergarten through grade 8 that included coding, computer programming, computational thinking, and cybersecurity.

The board would have to review and revise the TEKS every five years to ensure that the technology applications curriculum was relevant to student education and aligned with current or emerging professions. The SBOE would have to review the curriculum by December 31, 2022.

The bill would require the Texas Education Agency (TEA) to establish the computer science strategic advisory committee to provide recommendations for increasing computer science instruction and participation in public schools.

The committee would be composed of at least 11 members, including:

- two members each appointed by the governor, the lieutenant governor, and the House speaker;
- one member each appointed by the chair of the legislative committees with primary jurisdiction over primary and secondary education and the chairs of the legislative committees with primary jurisdiction over higher education; and
- one member appointed by the SBOE chair.

The governor, lieutenant governor, and House speaker would have to coordinate in appointing members to ensure that their appointees collectively included three public school educators who were certified in computer science, one parent of a public school student, one person employed in the technology industry, and one faculty member of an institution of higher education. The governor would designate a presiding officer who would serve at the pleasure of the governor.

Funding for the advisory committee's expenses would be provided by an appropriation to TEA for that purpose.

By September 1, 2020, the committee would have to submit to the governor and the Legislature a report that included recommendations to change state law, including funding proposals and timelines, intended to increase the number of certified computer science teachers, public high

schools offering computer science courses, and high school students enrolled in such courses. The report also would have to provide recommendations to encourage the enrollment of diverse student populations in computer science courses and expand learning opportunities in public schools.

The committee and related provisions would expire January 1, 2021.

TEA would be required to implement a provision of the bill only if appropriated money specifically for that purpose. Otherwise, TEA could, but would not be required, to implement the bill using other funds.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, SB 2180 would have a negative impact to general revenue related funds of \$522,101 through fiscal 2021.

SUBJECT: Prohibiting comparably higher water utility rates for tax-exempt entities

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 6 ayes — Larson, Metcalf, Dominguez, Harris, Lang, Nevárez
2 nays — Farrar, Ramos
3 absent — T. King, Oliverson, Price

SENATE VOTE: On final passage, April 30 — 22-9 (Alvarado, Johnson, Menéndez, Miles, Powell, Rodríguez, West, Whitmire, Zaffirini)

WITNESSES: *On House companion bill HB 4114:*
For — (*Registered, but did not testify:* Joshua Houston, Texas Impact; Scot Wall)

Against — Paul Mendes, City of Magnolia

DIGEST: SB 2322 would prohibit a municipality or municipally owned utility from establishing a higher rate for water and sewer services for entities that qualified for a sales or property tax exemption than for other entities receiving comparable service.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: SB 2322 would protect tax-exempt entities such as schools and churches from being targeted by municipalities trying to recoup lost property and sales taxes through increased utility rates for water and sewer services. The bill would ensure each customer was treated the same.

OPPONENTS SAY: SB 2322 would deprive communities of local control to set the rates they deemed most appropriate in their service area.

SUBJECT: Failing to act on sexual harassment as unlawful employment practice

COMMITTEE: International Relations and Economic Development — favorable, without amendment

VOTE: 9 ayes — Anchia, Frullo, Blanco, Cain, Larson, Metcalf, Perez, Raney, Romero
0 nays

SENATE VOTE: On final passage, April 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 2279:*
For — Rebecca Eisenbrey, Equal Justice Center; Laura De La Paz, Hays Caldwell Women's Center; Joell Beagle, The SAFE Alliance; Alicia Weigel; (*Registered, but did not testify:* Rene Lara, Texas AFL-CIO; Chris Kaiser, Texas Association Against Sexual Assault; Julie Gilberg; Idona Griffith; Thomas Parkinson; Elisa Saslavsky; Arthur Simon)

Against — (*Registered, but did not testify:* John McCord, National Federation of Independent Business)

On — Lowell Keig, Texas Workforce Commission

BACKGROUND: Some have suggested that current law does not sufficiently provide for protections against sexual harassment in the workplace for all employees. Others have noted a lack of explicit language defining sexual harassment as an unlawful employment practice.

DIGEST: SB 46 would make it an unlawful employment practice if sexual harassment of an employee occurred and the employer knew or should have known that the conduct was occurring and failed to take immediate and appropriate corrective action.

Under the bill, an employer would mean a person who employed one or more employees or acted directly in the interests of an employer in relation to an employee.

Sexual harassment would mean an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- submission to the conduct was made an implicit or explicit condition of an individual's employment;
- submission to or rejection of the conduct was used as the basis for a decision affecting an individual's employment;
- the conduct unreasonably interfered with an individual's work performance; or
- the conduct had the purpose or effect of creating an intimidating, hostile, or offensive working environment.

The bill would take effect September 1, 2019, and would apply only to a claim based on conduct that occurred on or after that date.

SUBJECT: Exempting some public subdivisions from annual eminent domain reports

COMMITTEE: Land and Resource Management — committee substitute recommended

VOTE: 6 ayes — Craddick, Muñoz, C. Bell, Biedermann, Minjarez, Stickland

0 nays

3 absent — Canales, Leman, Thierry

SENATE VOTE: On final passage, April 11 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: AJ Louderback, Sheriffs Association of Texas; Rick Thompson, Texas Association of Counties; John Dahill, Texas Conference of Urban Counties)

Against — None

BACKGROUND: Government Code sec. 2206.154 requires public and private entities authorized by the state to exercise the power of eminent domain to submit a report for the purpose of providing the comptroller with information to maintain the eminent domain database by February 1 of each year.

DIGEST: CSSB 175 would exempt certain political subdivisions from filing an annual eminent domain authority report if their eminent domain authority information had not changed from the information provided in their most recent report. Such political subdivisions would include:

- public school districts located in counties with populations of less than 75,000;
- municipalities or counties with populations of less than 75,000; and
- conservation and reclamation districts or certain districts authorized to issue bonds with populations of less than 75,000.

If such a political subdivision's information for the current annual reporting period was the same as that reflected in the eminent domain database for the previous annual reporting period, the political subdivision

would have to confirm the accuracy of this information by electronically updating its previously filed report with the comptroller by February 1 of the current annual reporting period.

This bill would take effect September 1, 2019.

SUBJECT: Prohibiting state appropriations to pay certain sexual harassment claims

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Phelan, Hernandez, Holland, Hunter, P. King, Parker, E.
Rodriguez, Springer

0 nays

5 absent — Deshotel, Guerra, Harless, Raymond, Smithee

SENATE VOTE: On final passage, April 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Concerns have been raised that without an explicit prohibition, taxpayer funds could be used in the future to pay or settle sexual harassment claims against certain elected or appointed state officials.

DIGEST: SB 1577 would prohibit the Legislature from appropriating money and state agencies from using appropriations to settle or pay a sexual harassment claim made against an elected member of the executive, legislative, or judicial branch of state government or a person appointed by the governor to serve as a member of a department, commission, board, or other public office within state government.

The bill would take effect September 1, 2019.

SUBJECT: Requiring development of a plan to increase behavioral health workforce

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — S. Thompson, Wray, Allison, Frank, Guerra, Lucio, Ortega,
Price, Sheffield, Zedler

0 nays

1 absent — Coleman

SENATE VOTE: On final passage, May 2 — 27-4 (Hall, Hughes, Nelson, Schwertner)

WITNESSES: *On House companion bill, HB 1669:*

For — (*Registered, but did not testify:* Cynthia Humphrey, Association of Substance Abuse Programs; Jo DePrang, Children's Defense Fund - Texas; Christina Hoppe, Children's Hospital Association of Texas; Chris Masey, Coalition of Texans with Disabilities; Tim Schauer, Community Health Choice; Kennedy Wilson, Doctors for Change; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Julia Egler and Greg Hansch, National Alliance on Mental Illness Texas; Will Francis, National Association of Social Workers - Texas; Josette Saxton, Texans Care for Children; Marshall Kenderdine, Texas Academy of Family Physicians; Windy Johnson, Texas Conference of Urban Counties; Lee Johnson, Texas Council of Community Centers; Reginald Smith, Texas Criminal Justice Coalition; Cameron Duncan, Texas Hospital Association; Chris Frandsen, Texas League Of Women Voters; Michelle Romero, Texas Medical Association; Lee Nichols, TexProtects - Champions for Safe Children; Nataly Saucedo, United Ways of Texas; and about 29 individuals)

Against — None

On — Colleen Horton, Hogg Foundation for Mental Health; (*Registered, but did not testify:* Carissa Dougherty and Trina Ita, Health and Human Services Commission; Tanya Lavelle, Hogg Foundation for Mental Health)

BACKGROUND: Some have suggested creating a plan to increase and improve the state's behavioral health workforce to better address the needs of Texans suffering from mental health and substance abuse issues.

DIGEST: SB 429 would require the Statewide Behavioral Health Coordinating Council, under the direction of the Health and Human Services Commission, to develop a comprehensive plan to increase and improve the workforce in Texas to serve individuals with mental health and substance use issues. HHSC would have to implement the plan.

To develop the plan, the council would have to analyze and consider available studies, reports, and recommendations on that segment of the workforce in Texas or elsewhere. The plan would have to include:

- a strategy and timeline for implementing the plan, including short-, medium-, and long-term goals;
- a system for monitoring the plan's implementation; and
- a method for evaluating the plan's outcomes.

By September 1, 2020, the council would have to develop and HHSC would have to begin implementing the plan.

The council and HHSC would be required to implement provisions of the bill only if the Legislature appropriated money specifically for that purpose.

The bill would take effect September 1, 2019.